



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

SPECIAL MEETING

WEDNESDAY, FEBRUARY 3, 1999

6:00 P.M.

**Morgan Hill Civic Center
Council Chambers
17555 Peak Avenue
Morgan Hill, California 95037**

**Mayor
Mayor Pro Tempore
Council Member
Council Member
Council Member**

**Dennis Kennedy
Hedy L. Chang
Cynthia J. Cook
Steve Tate
Greg Sellers**

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the counter in the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #0 through #0 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

PUBLIC COMMENTS

Mayor Kennedy

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

INTERVIEW:

1. **INTERVIEW APPLICANTS FOR THE MORGAN HILL PLANNING COMMISSION**
Recommended Action: 1) Interview eight applicants for the Planning Commission and 2) **select and appoint** one of the candidates to serve an unexpired term ending the June 2001.

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Live Oak High School

Future Business Leaders of America

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

CONSENT CALENDAR: The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

2. **REAPPORTIONMENT OF ASSESSMENTS - ASSESSMENT NO. 40 OF MORGAN HILL BUSINESS RANCH**

Recommended Action: 1) **Adopt** attached Resolution approving the amended assessment diagram and reapportioned assessments, 2) **approve** the Notice of Amended Assessment, giving public notice of the revised assessments for recordation with the County Recorder's Office and 3) **approve and accept** the Application to Apportion Special Assessment submitted by the project/property owner - RRK Properties and purchaser of a portion of that property identified as Assessment #47 and #48.

3. **AUTHORIZE STAFF DISCUSSION WITH VALLEY TRANSIT AUTHORITY REGARDING A SHARED COMMUNICATIONS FACILITY**

Recommended Action: **Authorize** staff to enter into discussions with the Valley Transit Authority (VTA) to lease space and install VTA communications equipment at the site of the City's emergency communications facility on El Toro Peak.

4. **AUTHORIZE CITY ATTORNEY TO SERVE AS CO-COUNSEL FOR SCRWA**

Recommended Action: 1) **Authorize** City Attorney to act as co-counsel for SCRWA for purposes of issuing an Opinion Letter related to refinancing of Bonds originally issued by the City of Gilroy and 2) **approve** waiver of conflict to permit City Attorney to serve as co-counsel for SCRWA and as City Attorney with regards to required approval of Bond refinancing per JPA.

5. **APPROVAL OF REGULAR MEETING MINUTES OF JANUARY 20, 1999**

LEGALLY NOTICED PUBLIC HEARINGS:

6. **ZONING TEXT AMENDMENT, ZA-98-24: REGULATION OF FENCE HEIGHT**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance amending the height restriction on fences and walls;

Motion to introduce ordinance by title only.

7. **APPLICATION DA-98-12: DEVELOPMENT AGREEMENT FOR COCHRANE - COYOTE ESTATES PHASE 4A AND 4B**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance approving the Development Agreement;

Motion to introduce ordinance by title only.

OTHER BUSINESS:

8. **SUPPLEMENTAL APPOINTMENTS TO SOLID WASTE CITIZENS ADVISORY COMMITTEE**

Recommended Action: Appoint additional members to the Solid Waste Citizens Advisory Committee.

9. **COMMUNITY CENTER DESIGN**

Recommended Action: Provide direction to staff regarding whether to include within the community center an auditorium or a gymnasium with a permanent stage which would allow the room to be used for performances.

ROLL CALL VOTE: Action -- Adopt Ordinance by roll call vote.

10. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1420, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending a development agreement to incorporate an Exception to Loss of Building Allocation for Application MP-97-08: Ciolino -Kalmikov (APN 767-09-022)

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

1. Interview and appointments to the General Plan Task Force
2. Mid-year Budget Adjustments
3. Accept Contract for Lift Station D
4. Accept Contract for New Diana Well #2
5. Exemption of Undergrounding - Giancola/Hale Avenue
6. PERS Contract Amendment for 4th Tier Survivor Benefits
7. Notice of Public Hearing - Abandonment of Railroad Avenue - Greif Brothers